

ORDINANCE 21-203
DIRECTING THE BUILDING INSPECTOR TO REMOVE AND DEMOLISH
PROPERTY AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A
NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED:

201 N. Pine Street, Fairmont, NC 28340
Parcel ID #3002-01-014

WHEREAS, the Board of Commissioners for the Town of Fairmont finds that the dwelling described herein is unfit for human habitation under the provisions of Chapter 152: Minimum Housing Standards, and that all of the procedures of the Code of Ordinances for the Town of Fairmont, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Standards pursuant to an Order issued by the Building Inspector on or about June 23, 2021, and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, N.C.G.S. 160D-1201 through 160D-1212, and Sections 152.30 of the Code of Ordinances, Town of Fairmont, North Carolina, empowers the Town of Fairmont to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the Town of Fairmont that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

“This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.”

on the building located at 201 N. Pine Street, Fairmont, NC 28340.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate the dwelling of all occupants and to remove or demolish the dwelling, said dwelling being located at 201 N. Pine Street, Fairmont, North Carolina, owned by Stacey Oxendine, in accordance with the Order of the Building Inspector issued pursuant to Title XV, Chapter 152, Section 152.30 of the Code of Ordinances, Town of Fairmont, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected as a lien for special assessment provided in Article 10 of N.C.G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by N.C.G.S. 160D-1203.

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Commissioner Charles Kemp, seconded by Commissioner J.S. McCree, the foregoing was adopted the 19th day of October, 2021.

Charles Townsend
Charles Townsend, Mayor

Attest:

Jenny Larson
Jenny Larson, Town Clerk

Approved as to form and legal sufficiency:

Jessica B. Scott
Jessica B. Scott, Town Attorney

